

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 728 - SB 754

March 26, 2009

SUMMARY OF BILL: Increases the penalty, from a Class B misdemeanor to a Class A misdemeanor, for practicing medicine or surgery without having first complied with the rules and regulations governing licensure under the Board of Medicine. Increases the penalty, from a Class E felony to a Class D felony, for filing or attempting to file a diploma or license of another or a forged affidavit of identification as a person's own.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$5,800/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions:

- The Department of Correction (DOC) estimates one Class E felony will be elevated to a Class D felony every three years.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- According to DOC, the average post-conviction time served for a Class E felony is 1.63 years and 2.43 years for a Class D felony. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The cost per offender at 2.43 years is \$52,995.96 (\$59.80 x 886.22 days). The additional cost for increasing the average sentence length is \$17,447.85 (\$52,995.96 - \$35,548.11). The annualized cost is \$5,757.79 (\$17,447.85 x 0.33 annual number of convictions).
- No recidivism discount has been applied since the length of the additional sentence is not sufficient for any re-offenders to serve

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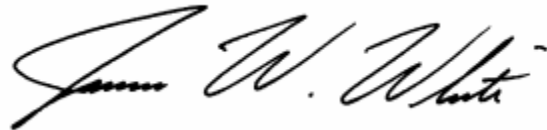
additional time in the prison system under current law within the time added by this bill.

- The increase to a Class A misdemeanor will not result in a sufficient number of prosecutions for local government to experience any significant increase in revenue or expenditures.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and "W".

James W. White, Executive Director

/kml